

Application Notice

- You must complete Parts A and B, and Part C if applicable
- Send any relevant fee and the completed application notice to the court with any draft order, witness statement or other evidence
- It is for you (and not the court) to serve this application notice

You should provide this information for listing the application

Time estimate 2 (hours) 30 (mins)

Is this agreed by all parties? Yes ☐ No ☒

Please always refer to the Commercial Court Guide for details of how applications should be prepared and will be heard, or in a small number of exceptional cases can be dealt with on paper.

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
COMMERCIAL COURT
ROYAL COURTS OF JUSTICE**

Claim No.	2009 Folio 838
Warrant no. (if applicable)	
Claimant(s) (including ref.)	Lehman Brothers Special Financing Inc. MS/58399.0003
Defendant(s) (including ref.)	Landwirtschaftliche Rentenbank RB/JH
Date	2 September 2009

Part A

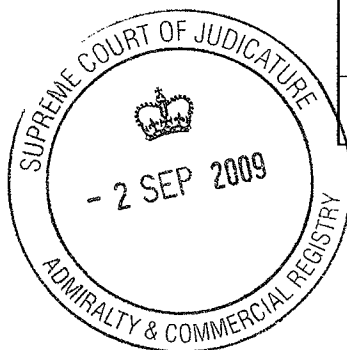
1. Where there is more than one claimant or defendant, specify which claimant or defendant

(1) The Claimant

2. State clearly what order you are seeking (if there is room) or otherwise refer to a draft order (which must be attached)

(2) intends to apply for an order (a draft of which is attached) that the Claimant have summary judgment under CPR Part 24 on its claims in this matter in the following terms:

- The Defendant pay the Claimant the sum of US\$43,465,860.98 along with contractual interest thereon as specified at paragraph 26 of the Particulars of Claim;
- Further or alternatively, the Defendant pay interest on the amount found to be due to the Claimant at such rate and for such period as the Court thinks fit pursuant to the equitable jurisdiction of the Court pursuant to section 35A of the Supreme Court Act 1981;
- That there be directions for an Inquiry as to all further sums owing by the Defendant to the Claimant under the Swap Master Agreement and an Order for payment of all sums found due consequent to such Inquiry (over and above the sums already ordered to be paid) together with interest thereon pursuant to the contractual default rate as specified in paragraph 26 of the Particulars of Claim or, alternatively, Section 35A of the Supreme Court Act 1981 or the Court's equitable jurisdiction.
- That the Defendant shall indemnify the Claimant in respect of all costs and expense of this action and the preservation and enforcement of its rights as against the Defendant.



3. Briefly set
out why you
are seeking
the order.
Identify any

pursuant to CPR 24.2

(1) the Claimant believes that the Defendant has no real prospect of successfully defending the claim;
and (2) the Claimant knows of no other reason why the claim should be disposed of at a trial.

Part B

(1) The claimant wishes to rely on:

tick one:

the attached witness statement

☒

(1) (the claimant)(the defendant)'s statement of case ☐

evidence in Part C overleaf in support of this application ☐

Signed

Weil Gotshal & Manges

Applicant's solicitor

Position or
office held

(if signing on
behalf of firm,
company or
corporation)

Partner

4. If you are
not already a
party to the
proceedings,
you must
provide an
address for
service of
documents

(4) Address to which documents about this claim should be sent (including reference if appropriate)

Matthew Shankland Weil Gotshal & Manges One South Place London		if applicable	
		Tel. no.	0207 903 1000
		fax no.	0207 903 0990
		DX no.	124402 Lon/City
Postcode	EC2M 2WG	e-mail	matthew.shankland@weil.com

Part C

Claim No. 2009 Folio 838

(Note: Part C should only be used where it is convenient to enter here the evidence in support of the application, rather than to use witness statements or affidavits)

⁽¹⁾ (The claimant)(The defendant) wishes to rely on the following evidence in support of this application:

Statement of Truth

*The applicant believes that the facts stated in this application notice are true

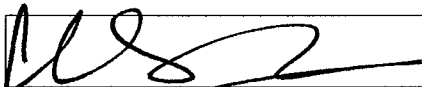
*I am duly authorised by the applicant to sign this statement

Full name WILLIAM . MATTHEW SHANKLAND

Name of *Applicant's solicitor

WEIL GOTSHAL & MANGES

Signed



*Applicant's solicitor

Position or
office held
(if signing on
behalf of firm,
company or
corporation)

PARTNER

*delete as appropriate

Date

2 Aug 2009

IN THE HIGH COURT OF JUSTICE

2009 FOLIO NO. 838

QUEEN'S BENCH DIVISION

COMMERCIAL COURT

BETWEEN:

LEHMAN BROTHERS SPECIAL FINANCING INC.

Claimant

-and-

LANDWIRTSCHAFTLICHE RENTENBANK

Defendant

[Draft] ORDER

UPON HEARING the Claimant's application for summary judgment under CPR Part 24

AND UPON READING the documents noted on the Court file as having been read

AND UPON the Court having found that the Defendant has no real prospect of successfully defending the claim and that there is no other reason why the claim should be disposed of at a trial

IT IS ORDERED THAT:

- 1 The Defendant pay the Claimant the principal sum of US\$43,465,860.98 together with the sum of US\$[●] comprising contractual interest on such principal from 23 June 2009 until the date of this Order pursuant to Section 6(d)(ii) of the Swap Master Agreement between the Claimant and the Defendant dated 9 January 1996;
- 2 The Defendant submit to the Claimant within 7 days of the date of this order all account statements, transaction confirmations and other documents arising out of the Swap Master Agreement in order to permit an inquiry into other sums due to the Claimant under the Swap Master Agreement;

3 That there be the following directions for the said inquiry:

[•];

4 The Defendant pay the Claimant all such further sums found due, if any, upon the making of such inquiry ordered pursuant to paragraph 2 above together with interest thereon pursuant to the contractual default rate as specified in Section 6(d)(ii) of the Swap Master Agreement;

5 The Defendant pay the Claimant's costs of these proceedings.

Dated the ____ day of _____ 2009

2009 FOLIO NO. 838

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

COMMERCIAL COURT

BETWEEN:

LEHMAN BROTHERS
SPECIAL FINANCING INC.

Claimant

-and-

LANDWIRTSCHAFTLICHE
RENTENBANK

Defendant

[Draft] ORDER

Weil, Gotshal & Manges
One South Place
London EC2M 2WG

Tel: 020 7903 1000
Ref: MS/LC/AF/58399.0003

Solicitors for the Claimant